

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JOSEPH Y NAPARSTEK, on behalf of himself
and the class defined herein,

Plaintiff

NOTICE OF MOTION

11-cv-0457(AKH)

-against-

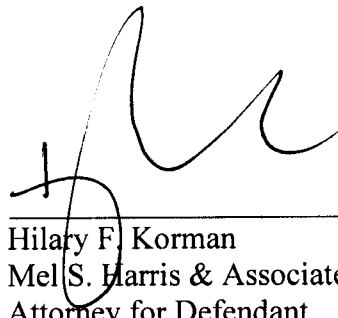
ATLANTIC CREDIT & FINANCE, INC.

Defendant
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PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of the Motion to Dismiss for Improper Venue or to Transfer for Unjust and Inconvenient Venue, and all prior pleadings and proceedings had herein, Defendant Atlantic Credit & Finance, Inc. will move this Court pursuant to Fed.R.Civ.P. § 12(b)(3) and 28 U.S.C. § 1406 for an order dismissing the action due to improper venue, or, in the alternative, transferring venue to either the Virginia Western District Court or South Carolina District Court pursuant to 28 U.S.C. § 1404, before the Honorable Alvin K. Hellerstein on Wednesday, June 15, 2011 at 10:00 a.m. at the United States District Court, Southern District of New York, 500 Pearl Street, New York, NY. 10007. Pursuant to Judge Hellerstein's rules, counsel should not appear on the return date. Rather, the court will advise if and when oral argument will be held.

PLEASE TAKE FURTHER NOTICE THAT opposing briefs and affidavits, if any, are to be served on the undersigned by May 27, 2011, and reply briefs, if any, are to be served on attorney for plaintiff by June 3, 2011, pursuant to the briefing schedule established by the Court on 5/2/2011 (*Docket # 8*).

Dated: New York, NY.
May 13, 2011

A handwritten signature in black ink, appearing to read 'Hilary F. Korman', is written over a horizontal line.

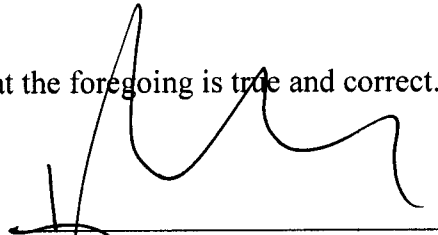
Hilary F. Korman
Mel S. Harris & Associates, LLC
Attorney for Defendant
5 Hanover Square, 8th Fl.
New York, NY. 10004
(212) 571-4900 Ext. 3309

DECLARATION OF SERVICE

Hilary Korman, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that on May 13, 2011, I served a true copy of the attached Notice of Motion and Memorandum of Law in support of Defendant's Motion to Dismiss or Transfer, on counsel of record, at the address listed below, via First-Class Mail, by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in the mailing center of affiant's law firm; where mail is processed, stamped, and placed in a Post Office-Official Depository under the exclusive care and control of the United States Postal Service within New York State, in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 13, 2011.



Hilary F. Korman
Mel S. Harris & Associates, LLC
Attorney for Defendant
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